

## WAR Item

### Plating Company and Owner Sentenced for RCRA and CWA Crimes

On Thursday, February 27, 2014, the Procino Plating Company and its owner, Patrick Henry Procino, were sentenced by United States District Court Judge Richard G. Andrews of the U.S. District Court for the District of Delaware in connection with their previous guilty pleas to Clean Water and RCRA offenses that occurred at the company's plating facility located at 901 South Market Street in Blades Delaware. The Court sentenced Patrick Procino to one year probation, a \$50,000 fine and a \$100 special assessment for one count of illegal storage of hazardous waste without a permit under RCRA. Additionally, the Court sentenced the company, in connection with its guilty plea to one count of violating the pretreatment requirements of the Clean Water Act, to five years probation and a \$400 special assessment. The Court also made it a condition of probation that the company comply with the Delaware Department of Natural Resources and Environmental Conservation concerning the investigation and clean-up of soil and groundwater contamination at the Blades facility. The facility is located in an Environmental Justice designated area.

Until the fall of 2007, the facility was utilized for plating and electroplating-related operations. According to his guilty plea, from December 2007 through May 2010, Patrick Procino stored approximately 450 gallons of liquid hazardous waste in a tank which originally had been used at the facility on its decorative chrome plating line. This chemical waste had a ph. of 0.8 and, therefore, was a corrosive waste under RCRA. The company did not have a permit for such storage of hazardous waste. The hazardous waste in this tank were representative of other hazardous waste that had been stored illegally at the facility. EPA CID's investigation of the property uncovered evidence indicating that Procino had stored hazardous waste, in addition to the aforementioned hazardous waste in the plating line tank, in containers and other tanks at the facility during this time period.

With regard to the Procino Plating company, the company's operations it produced wastewater that was regulated pursuant to a pretreatment industrial wastewater permit issued by Sussex County. Under the permit, Procino Plating was authorized to discharge its industrial wastewater to the Seaford, Delaware treatment plant which, in turn, discharges into the Nanticoke River. On or about June 1, 2009, Sussex County modified Procino Plating's industrial user permit to specifically prohibit the discharge of waste water generated as a result of electroplating operations, and any waste or bi-products of the electroplating processes then in storage at the facility. This modification was made based upon statements and representations by Procino Plating to Sussex County officials, indicating that the business had ceased electroplating-related operations at the facility.

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A number of

homes in the area rely upon private wells for their drinking water. Although the City's well tested negative for the presence of contaminants, wells located near the facility revealed the presence of chromium and cyanide. DNREC and the Procino Plating company entered into a Voluntary Cleanup Plan agreement, pursuant to which the company agreed to undertake the investigation and clean-up of contamination at the facility, subject to DNREC supervision. The District Court made the company's continued compliance with this agreement a condition of its 5-year supervision.

This case was investigated by the Environmental Protection Agency, Criminal Investigation Division, and the Department of Natural Resources and Environmental Control-Criminal Investigations. This case was prosecuted by U.S. Attorney's Office for the District of Delaware. "

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